

Chapter 35 – Traffic Committee

35.01 Creation and Membership.

35.01.01 The Traffic Committee shall consist of seven (7) members who shall have the qualifications of electors. The Traffic Committee shall be appointed by City Council. A student representative may be appointed by City Council as an ex-officio member of the Committee, without voting privilege. The term for a student representative shall be one year.

35.01.02 The Police Chief, Fire Chief and Traffic Engineer or their designated representative shall be ex-officio members of the Committee without voting privilege.

35.01.03 The Committee members shall serve for a period of three (3) years, except that any member can be removed by the City Council acting as a body by two-third's (2/3) vote of the City Council.

35.01.04 Committee members shall serve without pay or extra compensation.

35.02 Meetings.

35.02.01 The Traffic Committee shall adopt rules of procedure.

35.02.02 All meetings of the Traffic Committee shall be held at the call of the Chairman and at times when the majority of the Committee has approved the call of a meeting.

35.02.03 All hearings conducted by the Committee shall be open to the public.

35.02.04 The Traffic Engineer or his representative shall keep minutes of its proceedings showing the vote of each member upon each question, or if absent or failing to vote, indicating such fact; and shall also keep records of its hearings and official action.

35.02.05 Four (4) members of the Committee shall constitute a quorum for the conduct of its business.

35.02.06 The Committee shall have the power to subpoena and require the attendance of witnesses, administer oaths, compel testimony and the production of books, papers, files and other evidence pertinent to matters before it.

35.03 Duties of Traffic Committee.

35.03.01 The Traffic Committee shall be vested with advisory powers with respect to proposed traffic regulations and traffic safety issues. It

Chapter 35 – Traffic Committee

shall be the duty of the Traffic Committee to advise the City Manager and City Council on amendments to this Chapter.

35.03.02 It shall also be the responsibility of the Traffic Committee to hold public hearings to determine whether a requested sidewalk variance, requesting relief from the requirements of Chapter 34, should be granted or denied.

35.04 Variances.

35.04.01 Any person or entity that is required to comply with the sidewalk requirements, as set forth in Chapter 34, may request that the Traffic Committee grant a variance of the required sidewalk installation.

35.04.02 The sidewalk variance request shall be made by filing with the Director of Public Works the application that is provided by the Public Works Department. The application shall specify the reasons why the variance is necessary.

35.04.03 Once a completed application for a sidewalk waiver is filed with the Director of Public Works, the property owner shall be temporarily relieved of the obligation to install the subject sidewalk until the Traffic Committee has either granted or denied the requested sidewalk variance. However, where the Director of Public Works certifies to the Traffic Committee that a stay would cause imminent peril of life or property, the stay should not be granted unless otherwise ordered by the Committee or by order of the Circuit Court or other court with proper jurisdiction.

35.05 Notice of Hearing.

The Traffic Engineer shall submit the completed application, in addition to all documents relating to the sidewalk variance request, to the Traffic Committee. The Traffic Engineer shall also set the requested sidewalk variance request for a public hearing before the Traffic Committee. This public hearing shall be scheduled as soon as possible. The Traffic Engineer shall also give notice of the public hearing to discuss the requested sidewalk variance request to persons who are assessed for real property within 300 feet of the subject premises, and to the occupants of single and two family dwellings within 300 feet of the subject premises. The notice shall be delivered personally or by mail addressed to the respective owners and tenants at the address given on the last assessment roll. If the tenant's name is not known, the term occupant may be used.

Chapter 35 – Traffic Committee

35.06 Adjournment of Hearing.

The Traffic Committee may adjourn the public hearing to obtain additional information, to provide notice to property owners or occupants, or to enable the applicant to have a full Traffic Committee decide the matter. If the public hearing is adjourned, notice of the new hearing does not need to be given to those persons previously notified.

35.07 Conduct of Hearing.

Any applicant for a sidewalk waiver may appear at the hearing in person or by a representative. Both the applicant and also the Director of Public Works or his/her designee are permitted to call witnesses and introduce evidence at the hearing.

35.08 Decision of the Committee.

The Traffic Committee shall either grant, deny, or partially grant a requested sidewalk waiver. A copy of the Traffic Committee's decision shall be transmitted to both the applicant and to the Director of the Department of Public Works. The decision of the Committee is binding upon the applicant and also the Director of the Department of Public Works. Any item or condition required by the Traffic Committee in granting the requested sidewalk variance shall be incorporated into the sidewalk and driveway approach permit.

35.09 Review by Circuit Court.

A person affected by the decision of the Committee may appeal to Circuit Court, as provided by law.